

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GALLARDO SOLIS,

Plaintiff,

-v-

KEVIN MCALEENAN, Acting Secretary, U.S.  
Department of Homeland Security, et al.,

Defendants.

19 Civ. 5383 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On December 5, 2019, defendant filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by December 26, 2019.<sup>1</sup> No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by January 16, 2020, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.<sup>2</sup>

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by December 26, 2019. Defendants' reply, if any, shall be served by January 9, 2020. At the time any reply is served, the moving party shall supply the

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<sup>1</sup> The Court stands ready to grant a request for an extension of time to amend the complaint or to oppose the motion, given that the default briefing schedule sets a deadline for the day after Christmas.

<sup>2</sup> If defendants file a new motion to dismiss or rely on their previous motion, plaintiff's opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.

Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the  
Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

Dated: December 5, 2019  
New York, New York